

## WHITTON CONTAINER INC.

### SPECIALISTS IN WASTE MANAGEMENT

August 31, 2001

Congressman Steven J. Chabot  
Fourth and Race Tower  
105 West Fourth Street  
Suite 115  
Cincinnati, Ohio 45202



1478 Fitzpatrick Street  
Cincinnati, Ohio 45204  
Phone 513-921-4011  
Fax 513-921-4015  
whittoncontainer@aol.com

#### Improper Claims of CERCLA Liability

Dear Congressman Chabot:

I am writing to seek your assistance regarding a claim that the United States Environmental Protection Agency has improperly made against my company, Whitton Container, Inc., for CERCLA liabilities relating to our use of the Skinner Landfill Superfund Site in West Chester, Ohio from November of 1987 through August of 1990.

My company is located in the western side of the city and is in the business of providing roll-off containers for construction sites within the Southwest Ohio Region for use solely by contractors or subcontractors constructing buildings or demolishing buildings within the Region. These roll-off boxes contain strictly solid waste debris from the construction or demolition of buildings. This debris is transported to the nearest construction debris landfill. My company has not, at anytime during its existence, and more specifically not during the time we utilized the Skinner Landfill, generated, transported, treated or disposed of "hazardous substances" as that term is defined under CERCLA, nor has my company arranged for the disposal, treatment or transportation of hazardous substances, as that term is defined in CERCLA, in the Skinner Landfill, or any other landfill.

The type of and content of construction and demolition debris with which my company deals, of which we have comprehensive records of, is safe for construction debris landfills, and therefore my company should not be responsible for the transportation and/or disposal of any hazardous substances that have been disposed of by others at the Skinner Landfill. There has been no evidence or proof presented that my company has transported hazardous substances to this site.


The United States Justice Department, on behalf of the EPA, has filed suit against my company seeking to have my company declared jointly and severally liable for the costs incurred to clean up the Skinner Landfill. While we do not feel that we have any liability as to this matter, we have made settlement offer of \$50,000 in an effort to resolve this matter as quickly as possible. However, the EPA responded that they would accept \$850,000 as that was their determination of what my company could pay over the next five years.

If my company is forced to pay an amount much in excess of the \$50,000 we have offered, we may have to go into bankruptcy or shut our business down entirely. My company is located in a deteriorating neighborhood and employs 17 employees on a full time basis. My company pays in excess of \$14,000 in annual real property tax, \$2,000 in personal property tax, and approximately \$1,000 in income tax to the city. In addition, our employees pay in excess of \$16,000 in payroll taxes to the city.

My company has always been and continues to be in compliance with all federal and state rules and regulations and we are seeking your assistance in obtaining a settlement of this matter within means that my company can afford. We will be happy to provide any information to you that will be helpful to you.

I appreciate your consideration of this matter and any help you might be able to provide.

Sincerely,

A handwritten signature in cursive script, appearing to read "Rodney Gibbons".

Rodney Gibbons  
General Manager

cc: Mary Ann Jacobs, Esq.  
Daniel P. Randolph, Esq.